

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DENISE K. SHULL and THE RETHINK
GROUP, INC.,

Plaintiffs,

V,

ANDREW ROSS SORKIN, BRIAN
KOPPELMAN, DAVID LEVIEN, DAVID
NEVINS, TBTF PRODUCTIONS INC.,
SHOWTIME NETWORKS INC., and CBS
CORPORATION,

Defendants.

Civil Action No. 18 Civ. 12400 (GBD)

**DECLARATION OF
ROSANNE ELENA FELICELLO**

ROSANNE ELENA FELICELLO declares, pursuant to 28 U.S.C. 1746, as follows:

1. I am an attorney duly admitted to practice law before the United States District Court for the Southern District of New York. I am counsel of record for plaintiffs Denise K. Shull and The ReThink Group, Inc. (“Plaintiffs”).

2. I make this declaration in opposition to the motion by Defendants Andrew Ross Sorkin, Brian Koppelman, David Levien, David Nevins, TBTF Productions Inc., Showtime Networks Inc., and CBS Corporation (collectively, “Defendants”) to dismiss Plaintiffs’ complaint.

3. Annexed hereto as **Exhibit 1** is a true and correct copy of Plaintiff’s complaint in this action.

4. Annexed hereto as **Exhibit 2** are true and correct copies of DVDs of Seasons 2 and 3 of the television series *Billions*.

5. Annexed hereto as **Exhibit 3** is a true and correct summary of examples of dialogues from *Billions* as compared to text and dialogue from Plaintiffs’ work.

6. Annexed hereto as **Exhibit 4** is a true and correct copy of an article published on

or about November 11, 2013 in *Dealbook*, a New York Times publication founded and edited by Defendant Sorkin, with an accompanying photo of Ms. Shull in her office with the caption “THE COACH Denise Shull,” available at <https://dealbook.nytimes.com/2013/11/11/for-better-performance-hedge-funds-seek-the-inner-trader/>.

7. Annexed hereto as **Exhibit 5** is a true and correct copy of an email chain containing an email dated August 26, 2015 from Defendant Sorkin to Ms. Shull, as produced by Plaintiffs in this action bearing Bates stamps ReThink 000009 through ReThink 000010.

8. Annexed hereto as **Exhibit 6** is a true and correct copy of an email chain including emails dated August 27, 2015 through August 28, 2015 among, *inter alia*, Defendant Sorkin, Defendant Koppelman, Maggie Siff, and Ms. Shull, as produced by Plaintiffs in this action bearing Bates stamps ReThink 000011 through ReThink 000013.

9. Annexed hereto as **Exhibit 7** is a true and correct copy of an email chain including an email dated September 3, 2015 between, *inter alia*, Alphonzo Terrell, Senior Manager of Showtime Network Inc.’s Digital Media Group, and Ms. Shull, as produced by Plaintiffs in this action bearing Bates stamps ReThink 000019 through ReThink 000021.

10. Annexed hereto as **Exhibit 8** is a true and correct transcript of the description of the “Wendy” character that appears on the DVD for Season 1 of *Billions*.

11. Wherefore, Plaintiffs respectfully request that the Court enter an Order denying Defendants’ motion to dismiss, and granting such other and further relief as the Court deems just and proper.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: March 29, 2019


Rosanne Elena Felicello